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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,216	12/29/1999	OLEG B. RASHKOVSKIY	INTL-0319-US	2005

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EXAMINER	
NALEVANKO, CHRISTOPHER R	

ART UNIT	PAPER NUMBER
2611	15

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/474,216	RASHKOVSKIY, OLEG B.	
	Examiner	Art Unit	
	Christopher R Nalevanko	2611	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ they raise the issue of new matter (see Note below);
   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____.
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *31-50*.

   Claim(s) withdrawn from consideration: _____.
8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues that "while Lawler may monitor for the beginning of a show, the beginning of the show need not correspond to any particular time. It has not realtionship in general to a particular time" (page 2 lines 10-12). Examiner asserts that because Lawler can monitor for the beginning of a program, it monitors for a "predetermined time." The beginning of the show is predetermined to occur at a certain time, or particular time, for example 8:00 pm. Therefore, Lawler has the ability to monitor for a predetermined time (a show beginning at 8 pm) associated with an event being broadcast (beginning of a television show). Applicant further argues that "there is no way to know how much time is remaining in an ongoing telecast. Depending on how many time outs might occur, the time of the sports program is indeterminant. Therefore, Knudson cannont possibly show monitoring the time remaining in the program" (page 2 lines 15-18). As stated before, Knudson clearly shows monitoring the time remaining in a video transmission (col. 10 lines 45-60, fig. 7), In the system of Knudson, which displays the time remaining in the current quarter, it does not matter if a time out is called because the time remaining in the quarter is displayed. This shows the user exactly how much time is remaining in a sports program. Applicant also argues that "De Saint Marc does not detect a score, but simply a goal. There is no way to determine from the fact that a goal occurrred what the score currently is" (page 2 lines 18-20). In the claimed limitation, "predetermined score" can be read, and is being interpretted, as the actual act of scoring a score. The limitation does not specifically limit the notification to be the actual numerical score of a game. Also, as stated before, a predetermined score is any type of score occurring in a sporting game. The event that causes the score is predetermined before the start of every game. For example, it is predetermined that when a runner crosses home plate in baseball, a run is scored. Furthermore, since "score" is being interretted as the act of scoring, a goal can be considered a score. This is just like a HD capable digital television is still considered a television. It is a more specific example of a broad category. Finally, the issue of prior inventorship is still at question. As stated in the MPEP section 2137, the Applicant is required to supply a 37 CFR 1.132 affidavit to clear up any confusion regarding the prior inventor. Claims 31-50 directed to the same invention as that of claims 1-24 of commonly assigned Patent Application 09/196,262. The issue of priority under 35 U.S.C. 102(g) and possibly 35 U.S.C. 102(f) of this single invention must be resolved. Since the U.S. Patent and Trademark Office normally will not institute an interference between applications or a patent and an application of common ownership (see MPEP § 2302), the assignee is required to state which entity is the prior inventor of the conflicting subject matter. A terminal disclaimer has no effect in this situation since the basis for refusing more than one patent is priority of invention under 35 U.S.C. 102(f) or (g) and not an extension of monopoly. As noted before, failure to comply with this requirement will result in a holding of abandonment of this application..

VIVEK SRIVASTAVA
PRIMARY EXAMINER